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operated solely by officers and employees of the Signal Corps, the latter sworn to secrecy and loyalty. The telegram on which President McKinley acted was an official despatch from Captain (afterwards Colonel) James Allen, received by the chief signal officer in cipher, May 19, given at once to the President, and later by his orders to the secretary of the Navy. Colonel Allen in his official report (*Annual Report*, 1898, Secretary of War, vol. I., pt. I., p. 946) says: "On the morning of May 19 the Spanish fleet under Admiral Cervera was located at Santiago de Cuba. Its presence was at once telegraphed to the Chief Signal Officer . . . [in cipher], and *reported in person to the senior naval officer at Key West.*" How Admiral Crowninshield knows that this cipher despatch was preceded by a private telegram is of interest. If his statements regarding the Helling's despatch are accurate, it was none the less an army message from a military employee who disgracefully violated his oath of fidelity by betraying to a corporation for its use and dissemination a military secret of the highest importance to the nation.

It is enough that, as Chadwick shows, the navy discredited this information and permitted ten days to elapse before it verified the news of Cervera's presence. But as this news resulted in the speedy termination of the war, and as it was purely an army achievement, it is doubly unfortunate that Admiral Chadwick, doubtless through inadvertence, failed to incorporate this report in his work. Such omission cannot fail to cast doubt on other important matters bearing on the co-operative action of the two services.

The character of the work leads inevitably to comparisons between the army and the navy, which unfortunately are not always treated with discretion and fullness. For instance, remarks on the relative health of the two services should have been materially reduced or greatly extended, so that the reader, fully informed, might draw just conclusions. Nevertheless the work is one of marked historical value.

A. W. GREELY.

The Story of a Great Court. By JOHN BRADLEY WINSLOW, LL.D.
(Chicago: T. H. Flood and Company. 1912. Pp. xiv, 421.)

THIS history of the supreme court of Wisconsin from territorial days to the close of 1880, by its present chief justice, has more than local interest. It exhibits the origins of a judicial tribunal under the conditions of frontier life; it portrays the traits and antecedents of characteristic early jurists of the Middle West, some of whom achieved renown beyond state limits, and it deals with several decisions of national importance.

At the outset the author takes note of the fact that Wisconsin's first constitution, which was rejected in 1846 because of other reasons, contained the provision for an elective judiciary and that this provision was retained in the constitution of 1848. Thus it was a pioneer in this sys-

tem. "During the entire history of the separate Supreme Court from its organization in 1853 up to the present time it has had but twenty-five judges. . . . Since a very early period in the history of Wisconsin with a single recent exception no sitting judge who has been a candidate for re-election has been defeated, notwithstanding a number of attempts in that direction, and judges who have reached that bench have been given practically a life tenure." This result Justice Winslow attributes to the clause of the constitution giving the governor power in case of a vacancy to appoint a judge to hold until the election of his successor, and especially to the clause providing that no election of a judge should be held within thirty days of a general election. Under these provisions eleven of the twenty-five judges who have constituted this court have been put on the bench by appointment and the people have with one exception ratified their appointment by election.

The author details the various failures to make political capital in Wisconsin out of a judge's unpopular decisions and the defeat of partizan politics in judicial campaigns. It is probable also, though the chief justice does not touch the point, that the tendency of the court, particularly in recent years, to grant due but unconstrained recognition to the effect of changed economic conditions upon the interpretation of the law has strengthened the bench in the confidence of the state.

Among the important cases which are critically discussed are the Booth case, arising over the rescue of a fugitive slave, where the court took high state sovereignty ground and was supported by the people in various test elections up to the eve of the Civil War; the railroad tax decisions of 1859 and 1860; the farm mortgage controversy; and the Potter Law (granger) case of 1874. Justice Winslow gives an excellent account of such jurists as Paine, notable in the state sovereignty argument, Dixon who set his face against the popular clamor for a relief system for farm mortgage sufferers, and the distinguished Ryan whose most notable opinion was in the decision of 1874 upholding the right of the state to regulate the railroads.

It is worth mention that up to 1880, including the temporary court which preceded the establishment of the supreme court, of the judges who served in this tribunal, ten were born in New York, five in New England, one in Ohio, and two (including the ablest of them all, Justice Ryan) in Ireland.

Chief Justice Winslow has exhibited not only legal acumen and learning in his work, but also real historical ability.

FREDERICK J. TURNER.